

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

TERRY JONES,

Plaintiff,

v.

Civil Action No. 2:11-CV-94

UNITED STATES OF AMERICA,

Defendant.

**UNITED STATES' MOTION TO
FILE REPLY OUT-OF-TIME**

Now comes the Defendant, by and through counsel, Erin K. Reisenweber, Assistant U.S. Attorney for the Northern District of West Virginia, and respectfully requests the Court to allow Defendant to file its Reply to Plaintiff's Response to Defendant's Motion for Summary Judgment Out-of-Time. In support of said motion, the United States submits the following:

1. Pursuant to a Third Amended Scheduling Order entered on May 1, 2013, Dispositive Motions were due on July 12, 2013; Responses were due on August 2, 2013 and Replies were due on August 16, 2013.
2. On July 12, 2013, both Plaintiff and Defendant filed Motions for Summary Judgment and supporting Memoranda.
3. On August 2, 2013, both Plaintiff and Defendant filed Responses in Opposition to Motions for Summary Judgment.
4. On August 16, 2013, Plaintiff filed its Reply to the United States' Response in Opposition to Motion for Summary Judgment.

5. On August 16, 2013, the undersigned also had a response brief due to the Fourth Circuit Court of Appeals in the matter of *United States v. Matthew Quinn Mason*, Docket Number 13-6594 and on August 9, 2013, also had a Reply to a Motion for Summary Judgment due in the matter of *Dorothy and Elmer Christian v. United States*, 3:12CV72.

WHEREFORE, the United States humbly requests that its Motion to file its Reply Out-of-Time be granted.

Respectfully submitted

WILLIAM J. IHLENFELD, II
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I, Erin K. Reisenweber, Assistant United States Attorney for the Northern District of West Virginia, hereby certify that on the 19th day of August, 2013, the foregoing United States' Motion to File Reply Out-of-Time was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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